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This booklet is for you

This booklet explains your rights and responsibilities under Michigan unemployment insurance law. It tells you what you should know and do when you claim Michigan unemployment benefits. The booklet does not have the force of law or rule, but gives a general explanation of the more important parts of the law. Read it carefully and keep it for reference.

The work of the UA

The main purpose of the Unemployment Agency (UA) is to pay unemployment benefits to eligible workers if jobs cannot be found. The benefit cost is paid by employers. **There is no deduction from your paycheck for unemployment benefits.**

What you should know and do

1. Read this booklet carefully so you will know your rights under the law, and what you should do each week you claim benefits. If you have any questions, ask Unemployment Agency staff.
2. Give complete and correct answers on your application for benefits and to all questions asked by the claims taker and by Michigan's Automated Response Voice Interactive Network (MARVIN). There are severe penalties for making false statements or failing to give important information.
3. Every time you go to the UA office, take your Social Security Card, any call-in notice you may receive, and one other piece of identification, such as a driver license.

How to apply for unemployment benefits

When you file for unemployment benefits

1. Report to your nearest UA office the first week that you are unemployed, or during the following week.
Take all the following to your UA branch office: (1) your Social Security card or some piece of identification that has both your name and Social Security number on it, (2) a piece of picture identification such as a driver license or State I.D., (3) any Form UA 1711, *Unemployment Notice to Employee*, if given to you by your employer(s), and (4) wage information, such as pay stubs or W-2 form(s), to help identify the employer(s) you worked for and the wages they paid you.
2. The clerk will review with you your application and the quarterly wage information submitted by your former employer(s) to determine if you meet the minimum requirements to qualify for benefits.
3. In case the branch office does not have wage information available from your former employer(s), be prepared to give evidence of the wages you were paid for the last 18 months. Payroll check stubs or federal W-2 forms can provide that information.

4. Your application and the wage information will be used to determine whether you are eligible to receive unemployment benefits. If you are entitled to benefits based on your wages, you will be informed at the time you file your claim of your weekly benefit amount and the number of weeks you may be paid. (See “**Information needed to figure your benefits**,” below.)

Under most circumstances, after filing your claim at a UA branch office, a “*Monetary Determination*” will be mailed the next day to you, and to each employer on your claim, confirming your weekly benefit amount and number of weeks you will be paid. You, and the employer(s) you worked for in the **first four** of the last five calendar quarters ending before you filed your claim, will have the opportunity to respond to, and disagree with, any of this information. Your monetary determination may be delayed if you were paid wages by an out-of-state employer, a federal employer, a branch of the military, or if you were separated from your last employer for any reason other than a lack of work.

If you are not entitled to benefits, the determination will explain why.

5. The clerk will provide you with either a MARVIN (claims-by-phone) packet or the claims-by-mail forms booklet to allow you to certify to weeks of entitlement to benefits.

You may be required to report to the branch office if you stop certifying by telephone or mail for any reason.

You may file an additional claim by mail on Form UA 1785-1 WR, *Continued Certification by Mail*; or Form UA 1564-2 WR, *Additional Claim by Mail*, if you were laid off since you last claimed benefits. If your separation was other than a layoff, or you stopped claiming for any other reason, you must report in person to the branch office.

How much must I earn to be eligible for benefits?

For new claims effective on or after 10-1-2000, there are 4 methods to qualify for unemployment benefits. The UA will consider the wages you were paid in a period of 4 calendar quarters. (A calendar quarter is a period of 3 consecutive months ending the last day of March, June, September, and December.) The law requires that your wages be considered in the following order:

1. You must have worked for one or more liable employers and have wages paid in 2 quarters of the **first 4** of the last **5 completed** quarters. Further, you must have been paid wages of at least \$1,998.00 in one of the 4 quarters, and have been paid wages during the **first 4** quarters totaling at least 1.5 times the wages paid in the highest quarter.

Or

2. You must have been paid total wages in at least 2 quarters during the **first 4** of the last 5 **completed** quarters that are at least \$13,564.60 (20 times the State Average Weekly Wage of \$678.23) for claims beginning in the year 2000.

Or

3. You must have worked for one or more liable employers and have wages in 2 quarters in the **last 4 completed** quarters. Further, you must have been paid wages of at least \$1,998.00 in one of the 4 quarters, and have been paid wages

during the **last 4** completed quarters totaling at least 1.5 times the wages paid in the highest quarter.

Or

4. You must have been paid total wages in at least 2 quarters during the **last 4 completed** calendar quarters that are at least \$13,564.60 (20 times the State Average Weekly Wage of \$678.23) for claims beginning in the year 2000.

If you file a new claim for benefits and your last benefit year expired within the last six calendar quarters, you must additionally satisfy the following earnings requirement:

- You must have worked after your prior benefit year began; and
- have been paid, by a liable employer, at least 5 times the last weekly benefit amount that was in effect in your prior benefit year.

Unemployment benefit amount for claims filed after 10-01-2000:

Your weekly benefit amount will equal 4.1% of the highest quarter wages in the base period, plus \$6 for each dependent claimed up to 5 dependents. The maximum weekly benefit amount is \$300.

Benefit Rights Interview

You may be given an appointment for this interview at the time of filing. At this appointment, we will explain:

1. Your rights and duties under the law.
2. The importance of reporting any work you do and all your earnings (not just take-home pay) when you claim benefits.
3. That you must report to your UA office when directed and notify the UA when you return to work full-time (either earning more than 1½ times your weekly benefit amount or working the number of hours considered full-time by the employer).
4. Your weekly benefit amount, the number of weeks of benefits for which you may be paid, the penalties for giving false information or for withholding information, and how a refusal of work may affect your claim.
5. Your rights to protest or appeal rulings on your eligibility and/or qualification for benefits.

The various eligibility requirements are also explained more thoroughly.

This interview will give factual information about what you should know and do when you claim unemployment benefits. If you have any questions, ask them at this interview.

Certifying and getting your check

After you file your claim, you are required to certify to your continued eligibility to collect benefits. You will file your bi-weekly claims using Michigan's Automated Response Voice Interactive Network (**MARVIN**).

MARVIN allows you to communicate with the UA's automated system by using a touch tone telephone (phones with tone/pulse switches must be set to "tone" and phone lines for tone). You can:

- Phone in to certify for continued weeks of unemployment; and
- Ask for information about your benefit check, such as the date your last payment was made and the amount.

To certify, phone MARVIN during your appointment date and time or during that Thursday or Friday following your appointment date, between 8:00 a.m. and 7:00 p.m. If you do not, it could delay or prevent payment for the week(s) you are claiming.

If you are eligible for the week(s) claimed, a check for those week(s) will be mailed to you.

Using MARVIN is the standard method of certifying. However, you may certify in person and you may be required to certify by mail if:

- You are receiving weekly Trade Readjustment Allowances (TRA);
- You are in a training program approved by a Michigan Works! Agency service center;
- You are claiming a flexible week (see "**Payments by calendar week or flexible week,**" below);
- You are self-employed and submitting a profit and/or loss statement; or
- You are not able to use MARVIN for some other UA-approved reason.

If any of the above applies to you, contact your branch office for instructions.

Do not let anyone else certify for you. If anyone else certifies for you, both you and the other person may be prosecuted.

You will be required to file your **new** claim in person at your nearest UA branch office. You may also be instructed to report in person. Keep that appointment to protect your rights concerning your benefit entitlement. This may be because you are participating in the Profiling/Reemployment Services Program or a question regarding your claim requires a statement by you.

Note: Whether you use MARVIN or certify for benefits using a different method, checks are always mailed. The branch offices do not issue checks.

ALWAYS READ THE SPECIAL MESSAGES ON THE CHECK STUBS. THEY CONTAIN IMPORTANT NOTICES, REMINDERS, AND/OR OTHER INFORMATION THAT MIGHT AFFECT YOUR BENEFITS.

For more complete information on MARVIN, please read the booklet, *Unemployment Agency Introduces MARVIN* (Form UA 1921).

Return to work

If you return to work less than full-time and do not earn at least 1½ times your weekly benefit amount, you may claim benefits for any of the weeks you were working. If you wish to claim a week and are using MARVIN, call during the week you normally would if you had not returned to work. When you call MARVIN, report your back-to-work date and any **earnings you had for the weeks you are claiming, even if paid at a later date.**

If you return to work and are certifying by mail, report this on your certification form.

See “**Earnings while claiming benefits**,” below.

Penalties for false statements

The law provides severe penalties for anyone who intentionally gives incorrect information or hides important information to obtain or increase benefits. Always give the full facts. If you get a job or do any work, indicate this when you call MARVIN or report it on your certification forms, even though you have not been paid yet for your work. If you perform service in a week, which entitles you to wages, report the fact that you **earned** money in that week, even if you have not yet received the pay.

All employers are required to report quarterly to the UA, the names, Social Security numbers, and earnings of all their employees. This wage information is used to determine your eligibility for unemployment compensation and your benefit amount. For example, if you fail to report earnings while receiving benefits, the UA will be able to detect this from the wage information provided by employers.

If you purposely give incorrect information or hide important information:

1. You may have to pay a penalty equal to 2 times the amount of benefits fraudulently obtained, if less than \$1,000, or 3 times the amount of benefits if \$1,000 or more.
2. You will have to pay back any benefits wrongfully received.
3. You will lose your rights to remaining benefits.
4. You may have to pay a fine or go to jail, or perform community service, or all of these.
5. You may have to pay court costs, if prosecuted.

If you made a mistake in giving information, notify your UA office at once. If there is an error on your check, return it to your branch office for correction.

If you wish to report suspected unemployment insurance fraud, the UA has established a toll-free hotline: **1-800-822-1122**. The line is available 24 hours a day. You will speak directly to a UA fraud investigator during normal business hours if one is available. If an investigator is not available or you are calling outside normal business hours, you may leave the information on the voice mail service.

Important!

Protect your rights

Whenever there is a question about your claim or an appeal is pending, it is important that you continue to certify. By certifying and reporting your eligibility, you will protect your right to receive benefits if the question is settled in your favor. Otherwise, even if you win your case, you will not be paid for any week for which you have failed to claim benefits.

Further, even if you are disqualified, held ineligible, or held subject to a denial period, each week you certify may serve to requalify you for benefits or may be used

later to pay you benefits if it is finally determined that you were entitled to benefits during the period.

Each time you certify by phone or by mail, you must answer a number of questions. Your answers to the questions determine if you meet all the eligibility requirements for the week(s) you are claiming benefits. Give true, complete, and accurate responses. There are penalties for giving false information.

A record of every unemployment check you receive is sent to your employer. The chargeable employer will notify us if she or he does not agree with your reported earnings or does not believe you are entitled to the check you received. The UA will then investigate your claim.

Eligibility Review Program

You may be selected to participate in the Eligibility Review Program (ERP). The program is designed to help you return to work as soon as possible.

If you are selected, the UA will mail a Form UA 1726-S, *Eligibility Review Questionnaire*, to you. You can answer the questions by calling MARVIN on the first Thursday or Friday after receiving the form. Or, you may go to your local UA branch office and complete a Form UA 1726 (branch office version) within 21 days of the Saturday of the week that the UA mailed the Form UA 1726-S to you.

The UA will contact you if any of the following happens:

- you **do not respond to or complete** the ERP Questionnaire;
- you **respond late** to the notification of being selected for the ERP; or
- you give **an answer** to any question that could potentially deny benefit payments to you.

Profiling/Reemployment Services Program

The Profiling system identifies claimants most likely to exhaust regular benefits before finding another job. If identified as likely to exhaust, these claimants participate in additional reemployment services to help them become employed again.

Reemployment services may include the following:

- Job search assistance
- Job placement services
- Counseling
- Skills or aptitude testing
- Individualized assessment
- Job search workshops
- Job clubs
- Resume writing assistance

The program is a joint project between the UA, the Michigan Department of Career Development, and local Michigan Works! Agency service centers.

If selected, you **must** participate or you may not be eligible for unemployment benefits during the week(s) you fail to participate.

For more information, ask to speak to the Profiling Coordinator in the branch office where you filed your claim. You may also call the UA's toll-free Customer Service information hotline at 1-800-638-3995. Also see the pamphlet, *Profiling and Reemployment Services* (Form UA 2161).

Eligibility requirements

When you phone MARVIN, you will be asked about your eligibility for the two calendar weeks that ended on the Saturday before your scheduled call-in day. If you are filing your continued claims by mail, you must answer the eligibility questions on your certification-by-mail form.

You must meet the following requirements every week unless they are waived:

1. **Certify for benefits timely.** Certify by calling MARVIN **bi-weekly** or sending in your certification form during the week **following the week(s) you are claiming**. If you do not, your payment may be held up or you may lose your benefits. (See “**Certifying and getting your check**,” above.)

Even if you must serve a requalification period or are protesting a denial of benefits, you should keep reporting as instructed.

2. **Register for work.** When you file your application for unemployment benefits, you must register for work by filing a résumé application at a Michigan Works! Agency service center, unless this requirement is waived by the UA. The service center will do all it can to help you find employment. You can call **1-800-285-WORKS** for the service center nearest to you.

3. **If selected for the Profiling/Reemployment Services Program**, report and participate as agreed upon.

4. **Seek work.** You must try to find a job yourself. Filing an application with a Michigan Works! Agency service center is not enough. If a person in your line of work usually finds a job by going in person to an employer's plant, place of business, or employment office; registering with a union; answering help wanted ads; taking Civil Service examinations for government jobs; sending résumés; or by any other method, then you are expected to do the same things to find work.

If the chances of finding a job in your occupation are not good, you should look for other work compatible with your experience, training, and earnings. The longer you are unable to find work in your regular occupation, the more you should look for work in other lines, and the more willing you should be to accept a job that pays less. See item 5 under “**Disqualifications**,” below.

Keep a log of places you contacted for work, including the date contacted, address, phone number, and person to whom you spoke.

5. **Be able to work.** You must be physically and mentally able to work full-time. You must be able to do the kind of work that you did in the past or other work that is in line with your experience, training, and education.
6. **Be available for work.** You must be ready and willing to take a full-time job on any shift during which your work is ordinarily performed. If not, you should answer “no” when MARVIN asks you if you were able and available, or when you respond on your certification forms.

The availability requirement will be waived if there is a death in your immediate family. This waiver will begin on the date of the death and continue for 4 additional days. An “immediate family member,” in addition to a spouse, includes your (or your spouse’s) child, stepchild, adopted child, grandchild, parent, grandparent, brother, or sister. It also includes the spouses of these individuals.

- 7. Be unemployed.** This means that you did not work at all during the week(s) for which you are claiming benefits, or, if you worked part-time, your total earnings (not just take-home pay) were less than 1½ times your weekly unemployment benefit amount. People who work enough hours to be considered full-time by the employer (generally, but not always, 40 hours a week) are not unemployed and cannot receive benefits even if they earn less than 1½ times their weekly benefit amount. Be sure to answer “yes” if you worked and report your entire earnings before deductions for income tax, pensions, savings bonds, life or health insurance, union dues, etc., even if you have not yet been paid.

We must know your total earnings, not just your take-home pay. Report your **gross earnings for the week(s) you are certifying for**, not the week you receive the wage payment. If you draw benefits for a week(s) or a partial week(s) you were not entitled to, you could be subject to severe penalties.

If you worked on a shift, which began on Saturday and ended on Sunday, the full amount of wages earned on that shift must be included in the week containing the Saturday.

Be sure to report any time you did not report to work as scheduled. Earnings lost because of not reporting as scheduled must be considered in deciding whether you may receive benefits. For example, if you were instructed to return to work on Thursday but you did not report until Friday, the wages lost by not working as scheduled on Thursday would be considered as earned (along with Friday’s earnings) in determining whether you are eligible for benefits for that week. (See **“How to determine your weekly benefit amount,”** below.) In addition, if you have received, or will receive, holiday pay, vacation pay, retirement benefits or automatic short week benefits for the week you are claiming, you must report this to the UA.

If you are on a leave of absence from work granted by your employer, either at your request or according to a collective bargaining agreement, you generally would not be considered “unemployed” and would not, therefore, be entitled to unemployment benefits. However, if you are on a mandatory leave of absence based on your employer’s policy, you could still be entitled to unemployment benefits if you meet the other eligibility requirements.

If you elect to be laid off, you could be eligible for benefits if 1) your employer is planning a temporary layoff for lack of work; 2) the election to be laid off is an option provided under a collective bargaining agreement or written employer plan; and 3) the employer consents to your election. You must, however, meet the other eligibility requirements.

Also see **“Waivers of registration for work and seeking work.”**

Waivers of registration for work and seeking work

A. 45-Day Registration and Seeking Work Waiver

If you are laid off and your employer timely notifies the UA in writing that the company expects to call you back to work within 45 days after the last day you worked, and requests that certain requirements be waived, the UA may tell you that you do not have to register for work at a Michigan Works! Agency service center, or be available for work, or look for work. However, if you are not back to work by the recall date, you must register for work, be available for work, and start seeking work.

B. 120-Day Job-Attached Waiver (JAW)

If you expect to return to work within 120 days from your last day of work and the UA verifies the return-to-work date with your employer, **or** you normally find employment through a union hiring hall, **or** you are a migrant/seasonal worker and leave the state immediately after filing your claim, the UA may tell you that you do not have to register for work at a Michigan Works! Agency service center. You must, however, meet the other eligibility requirements. **However, if you are granted a JAW because you had a return-to-work date and are not back to work by the end of the JAW period, you must register for work at a Michigan Works! Agency service center.**

C. Waiver Based on Labor Supply

The UA may waive the requirement that you must seek work if the UA finds that suitable work is not available in both the area where you live and in the area(s) where you worked. This waiver cannot be granted if you are drawing Extended Benefits.

D. Waiver of Seeking Work When in Approved Training

If you are in a full-time training program approved by the Michigan Works! Agency, the UA may waive the seeking work and availability requirements. Contact your UA branch office for more information.

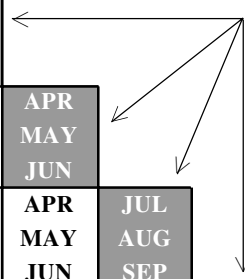
Information needed to figure your benefits

Effective 10-01-2000, a **Base Period** is defined as a period of 4 completed calendar quarters prior to the Sunday of the week in which you file your claim (the effective date of your claim). There are 2 types of base periods. A **Standard Base Period** is the first 4 of the last 5 completed calendar quarters prior to the effective date of your claim. An **Alternate Base Period** is the last 4 completed quarters prior to the effective date of the claim. The **High Quarter** is the quarter within the base period in which you were paid the most wages from all employers combined (minimum \$1,998.00). The high quarter in the base period will be used to determine your benefits.

If you are unable to qualify for benefits with your wages in the **Standard Base Period**, then your wages in the **Alternate Base Period** will be considered.

STANDARD BASE PERIOD CHART

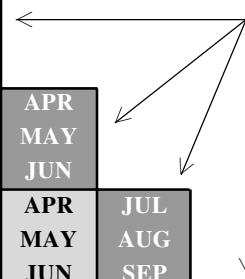
If your claim is effective in this quarter (white letters):

OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR				
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN			
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP		
			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	

Then the **Standard Base Period** is the shaded area

ALTERNATE BASE PERIOD CHART

If your claim is effective in this quarter (white letters):

OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR				
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN			
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP		
			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	

Then the **Alternate Base Period** is the lighter shaded area

Wage requirements are the same regardless of which base period is used. To be eligible for unemployment benefits, you must have at least one quarter in the base period of wages paid totaling at least \$1,998.00. Your base period wages must total at least 1.5 times the high quarter wages and you must have wages in at least two quarters in the base period.

If you are unable to meet the above wage requirements, an alternate method to qualify for benefits is to have total base period wages equal to at least \$13,564.60 within at least two quarters in the base period, for claims beginning in the year 2000. This method is referred to as the **Alternate Earnings Qualifier (AEQ)**.

If you worked for the federal government, including the military, during your base period, you may generally use those wages in qualifying for benefits. You can also use wages earned from the State of Michigan and local government units. Wages paid for most services performed for nonprofit organizations may also be used in calculating unemployment benefits. The UA will determine if the wages paid may be used in figuring benefits.

Dependents

The maximum number of dependents you may claim is 5.

Your dependents under the law include your:

- 1. Child, stepchild, adopted child, or grandchild** under age 18, or of any age if unable to work because of a physical or mental disability. A child under 22 may be allowed as a dependent if the child is a full-time student as defined by the school.
- 2. Husband or wife.**
- 3. Father or mother** over age 65, or any age if not able to work because of a permanent disability.
- 4. Brother or sister:**
 - a. under 18 years of age if orphaned or the living parent(s) is dependent on you, or
 - b. of any age if unable to work because of physical or mental infirmity and dependent on you, or
 - c. less than 22 years of age if the brother or sister is a full-time student as defined by the school and dependent on you.

Each person that you claim as your dependent must have received more than half the cost of his or her support from you for the 90 days before the new claim.

A child born or adopted during those 90 days may be allowed as a dependent if you paid more than half of the child's support since birth/adoption. Also, if you marry during those 90 days, your spouse may be a dependent if you paid more than half of his or her support since the marriage.

The number of dependents allowed at the time your claim is established remains in effect throughout the entire benefit year of the claim. Also, the dependent allowance will not be added or deleted during your claim.

How to determine your weekly benefit amount

The weekly benefit amount (WBA) is based on wages you were paid by your former employer(s). Your WBA for claims filed after 10-01-2000 may be as low as \$53 or as high as \$300. Once your benefit amount is determined, the amount will be the same throughout your claim.

The formula for calculating your benefits is:

1. Determine the high quarter wages in your base period and multiply these wages by 1.5.
2. Determine the total wages in all 4 quarters of your base period. This figure must be at least the result of step 1, above.
3. Multiply the wages you were paid in your high quarter by 4.1% (0.041). Round down to the nearest dollar.
4. Add \$6 for each dependent, up to 5 dependents.
5. The sum of steps 3 and 4 is your WBA. It cannot be more than \$300.

EXAMPLE:

Note: The following example can be used to determine the WBA using the Standard or Alternate Base Period.

Claim is filed on December 8, 2000. The filing quarter is from 10-01-2000 to 12-31-2000.

Base Period				Lag qtr.
1st Qtr. 6-30-2000 \$1200	2nd Qtr. 9-30-2000 \$1300	3rd Qtr. 3-31-2000 \$1400	4th Qtr. 6-30-2000 \$1998 high qtr.	5th Qtr. 9-30-2000

1. High quarter wages = \$1,998
 $\$1,998 \times 1.5 = \$2,997$
2. Total base period wages must be at least \$2,997
 $\text{Total Wages} = \$1,200 + \$1,300 + \$1,400 + \$1,998$
 $= \$5,898$
3. High quarter wages times 4.1% (0.041)
 $\$1,998 \times 4.1\% (0.041) = \81.92
Round down to nearest dollar: \$81
4. Add \$6 for each dependent up to 5.
3 dependents = $\$6 \times 3 = \18
5. Add the sum of 3 and 4.
 $\$81 + \$18 = \$99$
Weekly Benefit Amount (WBA) = \$99

How many weeks of benefits?

The number of weeks for which you may receive benefits for claims filed after 10-01-2000 will range from 14 to 26 weeks.

The formula for calculating how many weeks you may be entitled to receive benefits is:

- 1. Multiply your total base period wages by 40% (0.4).
- 2. Divide the result in step 1 by your WBA.
- 3. Round down to the nearest half-week. The result is the number of weeks you may receive benefits. The maximum is 26 weeks and the minimum is 14 weeks, except for benefits based on family employment.

Family employment means employment in 1) a corporation that is more than 50% owned by you, your son, daughter, spouse, or any combination of these individuals; or 2) a partnership that is more than 50%, but less than 100%, owned by your son, daughter, spouse, or any combination of these individuals.

The portion of your WBA that is based on family employment will be payable only for the first 7 weeks. After that, your WBA will be reduced by the benefit amount that was based on that employment.

EXAMPLE:

Claim is filed on December 8, 2000. The filing quarter is from 10-01-2000 to 12-31-2000.

Base Period				Lag qtr.
1st Qtr. 9-30-1999 \$1200	2nd Qtr. 12-31-1999 \$1300	3rd Qtr. 3-31-2000 \$1400	4th Qtr. 6-30-2000 \$1998 high qtr.	5th Qtr. 9-30-2000

- 1. Total Base Period Wages = \$5,898
 $\$5,898 \times 40\% (0.4) = \$2,359.20$
- 2. WBA = \$99.00 (from example on calculating the WBA).
 $\$2,359.20 \div \$99 = 23.83$
- 3. This is rounded down to the nearest half-week. The number of weeks allowed is 23.5.

In most circumstances, 100% of the first two weeks of benefits are charged to the separating employer.

Following this, all base period employers will be charged a proportional share of the weekly benefit amount.

Alternate Earnings Qualifier (AEQ) method

If you do not have sufficient wages in your base period to qualify for benefits and your total wages paid in the base period are at least \$13,564.60 (for claims beginning in the year 2000), with wages in at least 2 quarters, you would use the same formula to calculate your benefits.

EXAMPLE:

Claim is filed on December 8, 2000. The filing quarter is from 10-01-2000 to 12-31-2000.

Base Period				Lag qtr.
1st Qtr. 9-30-1999	2nd Qtr. 12-31-1999	3rd Qtr. 3-31-2000 \$9800 high qtr.	4th Qtr. 6-30-2000 \$4000	5th Qtr. 9-30-2000

1. High quarter wage = \$9800

$$\$9800 \times 1.5 = \$14,700$$

2. Total wages = \$13,800

This is less than 1.5 times the high quarter wages but is greater than \$13,564.60 (for claims beginning in the year 2000).

3. High quarter wages times 4.1% (0.041)

$$\$9800 \times 4.1\% (0.041) = \$401.80$$

The maximum is \$300; therefore, the WBA is \$300.

See the example in “**How many weeks of benefits**” to calculate the number of weeks.

Earnings while claiming benefits

If you work less than full time in a week, you may be paid unemployment benefits but your benefits will be reduced according to how much you **EARN** in the week for which you are claiming benefits **REGARDLESS OF WHEN YOU ACTUALLY ARE PAID**. You must report your total earnings, not just take-home pay.

Gross earnings will be subtracted from benefits as follows:

- If your earnings equal or exceed 1½ times your WBA, you are not eligible for any benefits that week.
- If your earnings are less than 1½ times your WBA but greater than your WBA, total earnings are subtracted from 1½ times your WBA. (See Example 1, below.)
- If your earnings are equal to or less than your WBA, half your earnings are subtracted from your WBA. (See Example 2, below.)

Your payment balance will be reduced by one full week if you receive any benefit payment in a week.

Method

A. WBA = _____

B. Earnings = _____ (use whole dollar amount)

C. $WBA \times 1.5 =$ _____

D. If B is more than A, subtract earnings from C. This is the benefit check amount.

If B is less than or equal to A, subtract $\frac{1}{2}$ of earnings from A (round result down to whole dollars). This is the benefit check amount.

The examples below show how this works (dollars and cents are rounded **down** to whole dollars).

Example 1

A. WBA = \$240

B. Earnings = \$320.52 (use whole dollar amount)

C. $\$240 \times 1.5 = \360

D. B is more than A.

$$\$360 - \$320 =$$

***\$40.00** is the estimated weekly benefit payment amount. If this week is claimed, it will reduce the payment balance by one full week.

Example 2

A. WBA = \$300

B. Earnings = \$101.78 (use whole dollar amount)

C. $\$300 \times 1.5 = \450

D. B is less than A.

$$\$300 - (\frac{1}{2} \times \$101) =$$

$$\$300 - \$50.50 =$$

$$\$249.50 \text{ (round down) } =$$

***\$249.00** is the estimated weekly benefit payment amount

*Pension reductions from a base period employer, overpayment recoupment, income tax withholding, child support payments, or other reductions can further reduce your benefit payments.

Because your balance of weeks of benefits is reduced by one full week when you claim a week, **regardless of how much you are paid**, you may want to calculate your benefit payment for any week you have earnings. You may choose to claim or not to claim benefits for that week. Choosing not to claim a week does not reduce your balance. Below is an area you can use for your calculation.

If you choose not to claim a week, you must still phone MARVIN during your scheduled week and answer “no” to the question about claiming **both** weeks. You must then answer “yes” or “no” to claiming benefits for **each** week. Answer the rest of the questions MARVIN asks you. If you choose not to claim two weeks in a row, you must report to your office to reopen your claim.

If you are claiming benefits by mail and choose to claim a week(s) in which you had earnings, enter the gross amount earned during those weeks on the certification form. If you are claiming benefits by mail and choose not to claim a week, annotate “I waive the claim for this week” in the earnings section of the certification form.

You may earn more than your weekly benefit amount and still be considered under-employed if you are not back to work full-time (working the number of hours usually considered full-time by the employer). However, you will **not** be eligible to receive benefits for any week that your **earnings** equal or exceed $1\frac{1}{2}$ times your WBA. If you claim a week in which you have excessive earnings, you must file an additional claim at the branch office or by mail to claim subsequent weeks.

Benefit payment with earnings calculation

You may want to use the following area to determine your unemployment insurance benefits for a particular week in which you have earnings. This will help you determine whether or not to claim the week in question. **Remember**, if you choose to draw a minimum of \$1.00 for a week, your weeks of benefit entitlement will be reduced by a full week.

A. WBA = _____

B. Earnings = _____ (round down to whole dollars)

C. WBA x 1.5 = _____

D. If B is more than A, subtract earnings from C. *This is the estimated benefit check amount.

If B is less than or equal to A, subtract $\frac{1}{2}$ of earnings from A (round result down to whole dollars). *This is the estimated benefit check amount.

(If earnings equal or exceed C, no entitlement.)

- Use space below for subtracting earnings -

You may choose not to claim a week. However, if you choose not to claim two weeks in a row, you must report to your office to reopen your claim.

*Pension reductions from a base period employer, overpayment recoupment, income tax withholding, child support payments, or other reductions can further reduce your benefit payments.

Filing a claim while still working

You may file a new claim while you are still employed (either working full-time or with earnings equal to or greater than 1½ times your potential (WBA). You may choose to do this to establish a claim that has a favorable weekly benefit rate, especially if you have accepted a job that is paying you less than you were earning before or you expect your wages to diminish in the future.

Your benefit year will be established but you will not be eligible for benefits until you are unemployed or underemployed. At that time, you would file an additional claim for benefits. Your benefits would be charged proportionately to the employers in your base period, based on your earnings. Your last employer would not be charged 100% of the benefits paid for first two weeks of your claim because you were not separated when you filed your new claim.

Preserving benefit entitlement

If you become disabled, you may be able to preserve or “freeze” unused benefit entitlement for use when you are again able to work, but are unemployed. To do so, you must submit a written request to your UA office within 90 days after your disability begins, if you are able. Should your medical inability prevent you from submitting this request on time, you may instead submit your written request within 90 days after your period of inability has ended.

You can also preserve your benefit entitlement if you submit your request within 90 days after being advised by the Agency of your right to file for preservation of benefit entitlement.

However, in any event, your request must be made within 3 years after the disability began.

Be prepared to furnish your UA branch office with a statement from your physician. Your physician may be required to complete a Form UA 1915, *Physician's Statement*.

- a. Benefit year in effect.** Unemployed individuals who have a benefit year in effect and have not exhausted benefit entitlement may preserve their entitlement during a period of continuous involuntary disability resulting from illness, injury or hospitalization.
- b. No benefit year established.** Unemployed individuals who have been unable to establish a benefit year solely due to a continuous disability may preserve all unused benefit entitlement in the base period preceding the first week of unemployment caused by the disability.

Benefit entitlement cannot be preserved under this provision if, after your disability ends, you have sufficient wages in your base period to qualify under one of the 4 methods to establish a new benefit year.

How long is your benefit year?

The beginning of your benefit year depends on when you file your application. In most cases, the benefit year begins with the Sunday of the week in which you file your application and lasts for 52 weeks.

Many workers go back to work before they receive all their allowable benefits. If you are again laid off before your benefit year ends, you can file an additional claim for benefits. If your benefit year ends before you can receive all your benefits, the unpaid benefits cannot be carried over to another benefit year. If you draw out all of your benefits before your benefit year ends, you cannot file another claim until your benefit year ends.

However, if you become unemployed after your benefit year is over, you may file a new application for benefits. At that time, the UA again determines whether you have sufficient wages in your new base period to establish a new benefit year, and whether you may receive benefits. (See “**How to determine your weekly benefit amount**” and “**How many weeks of benefits?**” above.)

Subsequent claims

It is possible to have back-to-back claims with overlapping calendar quarters. This would mean that the lag quarter and filing quarter of the prior claim fall into the base period of the succeeding (subsequent) claim.

Wages paid in the overlapping quarters (the lag quarter and filing quarter of the prior claim) can be used for the succeeding claim unless the wages were previously used to establish a benefit year. **You must have worked and been paid wages of at least 5 times the most recent WBA in effect during the previous benefit year, AFTER the start of the prior claim, before you can establish another claim.** The prior claim must have been effective within the last 6 calendar quarters before the succeeding claim.

Example:

Prior claim (1) WBA = \$200

PRIOR CLAIM (1)				LAG	Claim 1 Begins				
Standard Base Period									
4/2000	1/2001	2/2001	3/2001	4/2001	1/2002				
X	X	X	X						
X = WAGES USED							LAG	Claim 2 Begins	
				4/2001	1/2002	2/2002	3/2002	4/2002	1/2003
				\$2000	\$1500	\$0	\$0	\$0	\$0
				Standard Base Period					
				SUCCEEDING CLAIM (2)					

In the above example, the claimant has wages reported in the 4th quarter of 2001 and the 1st quarter of 2002 that were paid before the prior claim became effective but were **not** used to establish the claim. When that benefit year ends, the claimant files another claim in the 1st quarter of 2003.

The claimant could be eligible for a new benefit year as long as wages of at least \$1000 (which is 5 times the last WBA of \$200) were paid.

Payments by calendar week or flexible week

Benefits are paid for completed calendar weeks of unemployment. We use the calendar week of Sunday through Saturday. In reporting your earnings for any week for which you are claiming benefits, you must include the full amount of wages you **earned** in the week in which the shift began. Do not wait to report these earnings until you are paid. They must be reported when earned.

FLEXIBLE WEEK BENEFITS may be paid for a “flexible week” — a seven-day period which does not begin on a Sunday. This happens only when you earn as much as, or more than, 1½ times your Weekly Benefit Amount (WBA) in each of two consecutive calendar weeks **but, within those two weeks, there is a period of seven consecutive days or more in which you have no earnings.**

For the purpose of determining your earnings during the seven-day period, earnings for work performed during a shift which ends on one day but which began the day before, are considered as though earned on the day the shift began.

In the following example, your WBA is \$200 and 1½ times your WBA is \$300. You would qualify for a week of benefits during the layoff from Wednesday through Tuesday if otherwise eligible.

<u>TWO WEEK PERIOD</u>						
<u>S</u>	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>	<u>S</u>
	Earned	Earned	Laid	Laid	Laid	Laid
	\$150	\$150	Off	Off	Off	Off

<u>S</u>	<u>M</u>	<u>T</u>	<u>W</u>	<u>Th</u>	<u>F</u>	<u>S</u>
Laid	Laid	Laid	Earned	Earned	Earned	
Off	Off	Off	\$100	\$175	\$75	

Retirement/pension benefits

To receive unemployment benefits, workers who retire must be able to work, be available for work and be looking for permanent full-time work; they must meet all eligibility requirements. Workers who voluntarily retire may be disqualified. (See item 1 under “**Disqualifications,**” below.)

If your employer paid the entire cost of your retirement benefit, the full monthly amount of the retirement benefit will be prorated to weekly amounts and deducted from your WBA. If you contributed something, but less than one-half of the cost of your retirement benefit, one-half of the prorated weekly retirement benefit will be deducted from your WBA. If you contributed one-half or more to the cost of your retirement benefit, no deduction will be made from your WBA.

In the following examples, assume you retire under a retirement plan that provides a monthly retirement benefit of \$430. Your WBA is determined to be \$180.

Example 1. You did not contribute to the cost of the retirement benefit.

Since you did not contribute to the cost of the retirement benefit, the full monthly amount of the retirement benefit must be prorated on a weekly basis and deducted from your WBA. The \$430 monthly retirement benefit amount is divided by 4-1/3 weeks to arrive at a prorated weekly amount. This results in a weekly deduction of \$99. The \$99 is then subtracted from your \$180 WBA, leaving \$81. You would be entitled to unemployment benefits of \$81 a week (\$180 minus \$99 equals \$81).

Example 2. You contributed something, but less than one-half of the cost of the retirement benefit.

Since you contributed something, but less than one-half of the cost of the retirement benefit, one-half of the monthly retirement benefit, prorated to a weekly amount, is deducted from your WBA.

In this example, one-half of the prorated weekly deduction (\$99), based on the \$430 monthly retirement benefit, amounts to \$50. The \$50 is then subtracted from your WBA. You would be entitled to unemployment benefits of \$130 a week (\$180 minus \$50 equals \$130).

Example 3. You contributed one-half or more to the cost of the retirement benefit.

Since you contributed one-half or more to the cost of the retirement benefit, none of the \$430 would be prorated and deducted from your WBA. Therefore, you would be entitled to your full \$180 WBA.

Denial periods

School Denial Periods

Benefits are denied during the period between school terms (including summer breaks and customary vacation and holiday recess) to individuals who work in an institution of higher learning, or other educational institution, if they have a reasonable assurance of returning to work after break.

The following individuals are subject to a denial period between school terms only, not during vacation or holiday breaks:

- a. School bus drivers working for a private employer that has a contract with an educational institution, if at least 75% of the wages paid in the base period are from this employment; and
- b. School crossing guards.

Seasonal Employer Denial Period

Benefits will be denied during the period between two successive normal seasonal periods to seasonal workers if they have a reasonable assurance of returning to work in the second seasonal period. This applies to workers who:

- a. are employed in a seasonal industry 1) that usually operates 26 weeks or less a year, or 2) at least half of whose employees usually work 26 weeks or less a year; and

- b. work for an employer 1) that usually operates 26 weeks or less a year, or 2) at least half of whose employees usually work 26 weeks or less a year; and
- c. work for an employer who has asked for and received designation by the UA as a seasonal employer; and
- d. were hired as, or have been made (and provided with a written notice), seasonal workers and work for a seasonal employer only during the normal seasonal period.

Construction workers are excluded from seasonal denial periods.

Professional Athlete Denial Periods

Benefits are denied during the period between sports seasons or similar periods to athletes if they receive reasonable assurance that they will return the next season or similar period.

Disqualifications

If you are disqualified, you may lose some or all of your benefits.

1. You may be disqualified if you quit your job without good cause attributable to your employer or if you voluntarily retire. You would **not** be disqualified for voluntarily leaving if you leave your job to accept work and actually work at another permanent, full-time job with an employer liable under the unemployment compensation law of this state, or to accept a recall from your former employer. Furthermore, if after establishing a claim you accept unsuitable work (for example, work at a great distance from your residence, or not within your abilities), you will not be disqualified if you quit the unsuitable work within 60 calendar days after you began that work.

If you quit or retire voluntarily and are disqualified, you will be required to requalify by “reworking.” Reworking means finding a job and earning the lesser of (1) an amount equal to seven times your actual or potential weekly benefit amount, or (2) 40 times the state minimum hourly wage, times 7.

The earnings must result from employment with an employer liable under the unemployment compensation law of this or another state. Self-employment income cannot be used to requalify for benefits.

2. You may be disqualified if you were discharged for:

- a) Misconduct connected with work, or
- b) Intoxication while at work.

If you were discharged for one of these reasons and are disqualified, you will be required to requalify by “reworking.” (See Item 1.)

Whenever a charge of misconduct has been reduced to a disciplinary layoff, you will be disqualified for benefits for the duration of your disciplinary layoff. However, you will not be subject to the misconduct discharge penalty.

3. You may be disqualified if you are discharged for:

a) absence due to conviction and imprisonment (other than under conditions of day parole or for a traffic violation resulting in absence of less than 10 consecutive work days); or

b) participation in a strike or other concerted action contrary to a labor contract or in a wildcat strike or concerted action not authorized by the bargaining agent (even if such discharge is later changed to a disciplinary layoff or suspension).

If you are disqualified for one of these reasons, you will be required to serve a six-week requalification period before you can receive benefits. You will also lose up to six weeks of benefits.

4. You may be disqualified if you are discharged for:

- a) an act of assault and battery connected with your work;**
- b) the use or possession of an illegal substance at work, refusing to submit to a drug test, or testing positive on a drug test; or**
- c) theft or willful destruction of property connected with your work.**

If you were originally separated from employment under nondisqualifying circumstances and it is later established that you committed a theft against your employer between the notice of your layoff or discharge and the effective date of your separation, you will also be disqualified. The requalification requirement is the same as for theft.

If you are disqualified for any of these reasons, you will be required to serve a 13-week requalification period before you can receive any benefits. There will also be a 13-week reduction of benefits. In addition, your weekly benefit amount will be reduced by the amount that would have been chargeable to the employer involved in the disqualification.

5. You may be disqualified if you a) refuse, or fail to report for, a job interview; b) fail to apply for a job; or c) fail to accept an offer of suitable work.

In deciding whether a job is suitable, the UA takes into account your past experience, training, prior earnings, how long you have been out of work, your chances of finding a job in your line of work, the distance of the job from your home, and any risk to your health and safety. In addition, the following pay rate guidelines are used in determining whether a job is suitable:

Weeks Unemployed	Pay Rate for Suitable Employment
1 - 12	80% of your gross pay rate before unemployment
13 - 20	75% of your gross pay rate before unemployment
more than 20	70% of your gross pay rate before unemployment

If you are disqualified for any of these reasons, you will be required to serve a six-week requalification period before you can receive benefits. You will also lose up to six weeks of benefits.

6. You may be disqualified if you are unemployed due to a labor dispute (strike or employer lockout). The UA will consider the facts of the specific situation and the same ruling will be made for all workers unemployed for the same reason related to the labor dispute. It is important that you continue to certify during the period of unemployment due to the labor dispute.

7. You may be disqualified if you work for a temporary help firm (THF) and do not notify the firm within seven days that a work assignment ended.

If you are disqualified for this reason, you will be required to serve a 6-week requalification period before you can receive benefits. You will also lose up to six weeks of benefits.

If you are disqualified for any reason and protest that determination, you should continue to certify until a final decision is made, or you go back to work, or UA informs you that you should stop certifying. If the determination is reversed, you cannot be paid for any week(s) for which you did not certify.

Ways of requalifying

A disqualification imposed for a voluntary quit or misconduct can be terminated after you have worked and earned the lesser of: (1) an amount equal to, or greater than, seven times your weekly benefit amount, or (2) 40 times the state minimum wage, times 7.

Disqualifications imposed for a 6- or 13-week requalification period will be terminated when you complete the required period. You will be credited with a week of requalification for each week in which you:

- 1) certify as directed and meet the same requirements as apply to claiming a benefit payment; or
- 2) earn at least $1/13^{\text{th}}$ of the minimum high quarter earnings. Currently, this is \$153.69 (rounded down to \$153.00), which is $\$1998.00 \div 13$.

To requalify by certifying, you must continue to call MARVIN or submit your certification forms during the requalification period.

Your protest and appeal rights

Whenever a question arises about your right to receive benefits, a predetermination fact-finding interview will be conducted, if required, to get the facts from you and your employer regarding the issues involved. The UA then makes a determination that tells you if you may receive benefits and explains why or why not. Copies of the determination go to you and your employer.

If you disagree with a determination you can protest and ask for a review. You may do so in person at the UA office, by mail, or by fax, but any protest must be made on time. Otherwise, the determination will become final and not subject to further review, unless you establish good cause for late filing. **The UA must receive your protest in writing by the 30th day after the date the determination was issued or given to you in the branch office.** If the 30th day is a Saturday, Sunday, or legal holiday, the protest must be **received** by the end of the next day which is not a Saturday, Sunday, or legal holiday.

Your employer has the same right to protest as you do and has the same time limits to protest and appeal.

When the Agency receives a protest from you or your employer, it takes another look at the facts and the law and, if necessary, will arrange for a fact-finding interview,

and then make a redetermination. The redetermination will explain what changes, if any, are being made in the determination. Copies of the redetermination go to you and your employer. You may bypass the redetermination and appeal directly to an Administrative Law Judge (ALJ) if you and your employer, or you and your employer's agent(s) or attorney(s), agree to do so.

If you disagree with the redetermination, you can appeal for a hearing before a UA ALJ. Your employer has the same right. **This appeal must be received within 30 days**, the same as a protest to a determination.

It is important that you **respond to any request from the UA for further information** on your claim even if you have drawn all of your benefits. Your employer has the right to protest any benefits charged to the company's UA account. A reversal of your entitlement could result in your being required to repay the protested amount to the UA.

You have the right to be represented by your own attorney, agent, or Advocate and to present witnesses at a hearing before an ALJ.

If no appeal is filed, the redetermination becomes final and is not subject to further review unless good cause for late filing is established. If you, your employer, or the Agency disagrees with the ALJ's decision, a request for a rehearing before the ALJ or an appeal to the Board of Review, must be received within 30 days. If either party is dissatisfied with the Board of Review's decision, the case may be appealed to a circuit court, the Court of Appeals, and the Supreme Court. If no appeal to the Board of Review or to the courts is filed, the latest decision will become final after the 30-day appeal period.

If you and the employer involved in the ALJ hearing both agree, the case can bypass the Board of Review and go directly to a circuit court. The appeal must be received by the circuit court within the 30-day appeal period.

The Board of Review, an agency separate from the UA, generally does not take new testimony from witnesses. The Board usually bases its decision on the facts presented at the ALJ hearing. The only arguments usually permitted before the Board of Review is about the law as applied to your case.

The UA office will assist you in filing your request for a redetermination, an appeal to an ALJ or to the Board of Review, or a request for a rehearing or reopening.

After the 30-day protest or appeal period has expired, a case can be reopened only if good cause can be established for failure to protest or appeal within the 30 days.

If a determination, redetermination or decision is made that allows you benefits, you will be paid any benefits due and payments will continue unless and until: (1) the determination, redetermination or decision is reversed, or (2) a determination, redetermination or decision on a new issue holding you disqualified or ineligible is made, or (3) a new separation issue arises resulting from subsequent work.

If it is finally decided by a later redetermination or decision that you were not entitled to all or part of the benefits you received, you may be required to repay the benefits improperly received.

Improperly received benefits

Paying Back Overpayments

The UA is responsible for collecting on overpayments established under the MES Act.

If you have an overpayment and are currently employed, contact the UA Benefit Overpayment Collection Unit at 1-800-638-6372 regarding repayment terms. This is important as, if you become unemployed and establish a claim for unemployment benefits, at least 20% of your weekly unemployment benefit payment will be taken from your weekly benefit payment and posted against your overpayment account(s). It is definitely to your advantage to repay the debt and have the unemployment benefits available to you when they are needed.

If fraud was involved in the overpayment, the UA will take 100% of weekly benefit payment(s) and post them against your overpayment account(s). Additionally, the UA will take 100% of your weekly benefit payment(s) and post them against your damage accounts(s). Damages may be 2 times or 3 times the underlying overpayment amount.

Failure to repay benefits improperly received can also result in the UA taking your MI income tax refund, or referring your case to the Office of the Attorney General for judgement or wage garnishment.

Waiver of Repayment

Collection of benefit overpayments may be waived (forgiven) if the payment was made without fault on your part and if recovery of the benefits would be contrary to equity and good conscience. Repayments may be waived if:

- 1) benefits paid were proper at the time they were paid but amendments were later passed and made retroactive; or
- 2) there was an Agency administrative clerical error; or
- 3) the employer failed to provide wage and separation information timely and your **good faith** statement proves to be erroneous; or
- 4) you can establish that you are indigent (in financial hardship).

If it is found that fraud exists on a claim, the overpayment cannot be waived.

Whenever you are informed that benefits were improperly paid to you, you will also be informed if collection will be waived.

If repayment has not been waived and you feel that repayment of the benefits paid to you would be against equity and good conscience, you may request a ***waiver of recovery of overpayment*** or protest any denial of a waiver. Such a request or protest must be received by the UA within 30 days of the date the determination, redetermination, or decision which (1) **requires** recovery of overpayment, or (2) **denies a waiver** of recovery of overpayment, was issued. A request for a waiver due to financial hardship does not have to be made within the 30-day period.

HELP!

Help is available to you in protesting/appealing. UA staff will explain the (re)determination to you. Also, if you disagree with the (re)determination and wish to take further action, they will explain to you how to file a protest or an appeal to an ALJ.

Office of Appeals and video

The Unemployment Agency has prepared a videotape presentation, entitled, *Office of Appeals*, and a booklet, *A Guide to Unemployment Agency Office of Appeals Hearings* (Form UA1800), to assist you in understanding and preparing for the hearing. Call or visit your local UA branch office, which has both videotape playback equipment for viewing the tape and copies of the booklet for distribution. Each describes in detail what will happen at the hearing and how you should prepare for it. A copy of the video may be available through your local public library.

UA Advocacy Program and lawyer referral

The UA Advocacy Program provides no-cost assistance to claimants and employers in preparing cases for administrative appeal and appeal to the Board of Review, and in many cases will include representation at these hearings. Most kinds of unemployment compensation cases are included in the program. For more information, ask your branch office representative or call 1-800-638-3994.

If you file an administrative appeal to your case or appeal to the Board of Review, you do not necessarily need to have a lawyer. However, if you wish to have one, many county Bar Associations maintain lawyer referral services. If your county does not have such a service, you may call the State Bar of Michigan, toll free, for a lawyer referral, at 1-800-968-0738.

There are also “legal services” or “legal aid” agencies throughout the state, and the UAW maintains an Unemployment Insurance Clinic available at no cost to both UAW members and non-members living in the tri-county Metropolitan Detroit area. The UAW Clinic, other legal services, and legal aid agencies may be found in the white pages of your telephone directory.

Filing your claim when away from home

You may file a claim for unemployment benefits in any unemployment compensation office in any state, Washington, D.C., Puerto Rico, the Virgin Islands, or Canada.

If you plan on moving within Michigan or to another state and intend to continue filing claims for unemployment benefits, be sure to complete Form UA 1925, *Request for Name and/or Address Change*, before you leave, and return it to the branch office. You will be given instructions on what to do while you are away. It is up to you to follow those instructions to protect your benefit rights.

Claims filed away from home take longer to process. To prevent unnecessary delay, follow the instructions given by your branch office. Keep all your papers. Take them with you if you visit the branch office to inquire about your claim.

If you go to another state and file a claim based on your Michigan work, the other state will take your claim and send it to Michigan. The UA in Michigan will decide what benefits you may receive and will issue all determinations on your claim. To

receive unemployment benefits under the Michigan law, you must file a claim and register for work at an unemployment compensation office and meet all eligibility requirements even if you file your claim in another state.

If you move to a place where there is no work similar to the work you did before you moved, you might be held ineligible for benefits. If you are going to be out of Michigan only temporarily, be sure to leave your change of address with your last Michigan employer or any other Michigan employer with whom you have seniority so that you can be contacted in case you are called back to work.

When you have worked in more than one state

Whenever you have worked in more than one state and you cannot qualify for benefits or for the maximum amount of benefits possible in a single state based on your wages and dependents/exemptions, you may be able to file a Combined Wage Claim (CWC). This type of claim combines all of the wages paid in different states during your base period so that you may qualify for benefits or receive an increased amount of benefits. You will receive a determination that incorporates all your wages from all employment during your base period. Your weekly benefit amount will be based upon the combination of all wages paid in the base period from employment in all states.

Generally, a Combined Wage Claim takes longer to process than a regular state claim. This is because the UA must contact the other state(s) in which you worked to obtain information about your employment and wages.

The other state(s) must then secure wage and separation information from the employers you worked for in that state and send the information to Michigan. Because of the need to get information from many sources by mail, delays can occur.

Federal unemployment benefits

By agreement with the United States Secretary of Labor, the UA acts as the agent of the federal government for administration in Michigan of the following federal unemployment insurance programs:

Unemployment Compensation for Ex-Service Personnel (UCX)

UA may pay you UCX benefits if, during the past year:

1. You were discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); **and**
2. You were discharged or released after completing your first full term of active service which you initially agreed to serve; **or**
3. You were discharged or released before completing such term of active service:
 - a. for the convenience of the government under an early release program;
 - b. because of medical disqualification, pregnancy, parenthood, or any service incurred injury or disability;
 - c. because of hardship; **or**
 - d. because of personality disorders or inaptitude but only if the service was continuous for 365 days or more.

For further information on this program, ask for the pamphlet entitled, *Unemployment Insurance for Ex-Service Personnel* (Form UCX 982), at any UA office. When you file for unemployment benefits, be sure to take your Form DD-214, *Certificate of Release or Discharge from Active Duty*. UCX benefits are paid for a maximum of 26 weeks.

Unemployment Compensation for Federal Employees (UCFE) (Civilian employees of the federal government)

UA may pay you unemployment benefits under UCFE if your federal wages can be assigned to Michigan. When you file your application for unemployment benefits, be sure to:

1. Report any work as an employee of the federal government.
2. Bring the Standard Form 8, *Notice to Federal Employee About Unemployment Compensation*, and Standard Form 50, *Notification of Personnel Action*, given to you by the federal agency for which you worked.

The UA will contact the federal agency concerning your length of service, wages paid, and reason for separation and will establish your eligibility for benefits on the basis of information received. You may protest or appeal a decision on your unemployment benefits made by the UA based on such information. (See **“Your protest and appeal rights”** above.) If you disagree with the facts as reported by the federal agency, you may contact the agency to request a review of the findings. It may be beneficial to request the review of findings if you protest a UA determination.

Adjustment Assistance for workers under the Trade Act of 1974

UA may pay you unemployment benefits under the federal Trade Act if you have lost your job or have been laid off as a result of trade with other countries.

Under the Trade Act of 1974, as amended, you may apply for Trade Adjustment Assistance (TAA) if increased imports have adversely affected your job. The assistance may include Trade Readjustment Allowances (TRA), which provide a weekly income once you exhaust your regular unemployment benefits if you are still unemployed. In addition, if you are totally or partially separated from your job, a Michigan Works! Agency service center can help you in preparing for and finding a new job. You may be eligible for training, allowances to search for work in other areas, and a relocation allowance to move to a new job.

NAFTA Transitional Adjustment Assistance

You may receive similar assistance if you lose your job or have been laid off due to trade with, or your employer's shift in production to, Canada or Mexico because of the North American Free Trade Agreement (NAFTA). This program is called NAFTA Transitional Adjustment Assistance (NAFTA-TAA).

For further information on these programs, ask for the pamphlet entitled, *Adjustment Assistance for Workers Under the Trade Act of 1974* (Form UA 1628), and Form UA 1628-S, *NAFTA Transitional Adjustment Assistance Program*, at any UA office.

Extended Benefit (EB) Program

The beginning and ending of extended benefit periods will be announced in the news media. Or you may contact your local UA office to determine if an extended benefit period is currently in effect.

Interstate extended benefit claims against Michigan and against other states may be filed in the same manner as regular interstate claims.

Generally, in order to be eligible for extended benefits you must: (1) be eligible and not disqualified under the Michigan law; (2) have exhausted all rights to regular state benefits; and (3) have a benefit year current within an extended benefit period.

Extended benefits amount to 50 percent of the total amount of regular state benefits originally payable to you, rounded down.

For further information regarding this program, request a copy of the pamphlet, *Michigan Extended Benefit Program* (Form UA 1960), from your UA office.

Benefit Accuracy Measurement Program

Your claim could be one of those randomly selected to be reviewed as part of an accuracy measurement program. This program is designed to determine the quality of unemployment insurance payments in Michigan. It also provides the UA with information that could lead to improvements in UA procedures. It is an audit of your claim.

If your claim is selected for a review, you will be contacted for an in-depth interview regarding your claim. You will be informed of the documents you are required to bring with you. They will include your Social Security card, your marriage license (if married), and birth certificates for yourself and for any dependents. Your eligibility for benefits, work history, work search contacts, and other aspects of your claim will be reviewed.

In most cases the review will confirm that your claim was processed correctly. However, if you were over- or under-paid, adjustments may be made.

Your cooperation in the Benefit Accuracy Measurement Program will enable the UA to better serve unemployed workers in Michigan.

Crossmatch Program

The UA conducts a fraud detection and prevention system called the Crossmatch Program. Employers report the names, social security numbers, and wages of all their Michigan employees to the UA every quarter. Benefit payment information for selected claimants is compared against these quarterly wages files. This crossmatch system identifies claimants who have both worked in, and collected unemployment benefits for, the same week. The Crossmatch Program ensures that unemployment benefits are correctly paid to eligible claimants.

From October 1998 through February 2000, 5,317 determinations were issued concerning improperly paid benefits totaling over \$2.8 million. Fraud penalties totaling more than \$7.7 million were also imposed.

Child support, alimony, and bankruptcy withholding

UA withholds up to 65% of the benefits you would receive for a claimed week of unemployment for alimony or child support if we receive a court order from a circuit court. If an order is received from a federal Bankruptcy Court, withholding is not limited to 65%.

These withholdings can be from **all** unemployment insurance programs, including all federal programs, the Extended Benefit (EB) program, and the Emergency Unemployment Compensation (EUC) program.

Taxing benefits

Unemployment benefits are considered income for federal and state tax purposes. The UA sends Form 1099-G, *Certain Government and Qualified State Tuition Program Payments*, to you and the Internal Revenue Service each year showing the amount of benefits you received during the previous calendar year. The UA mails the form to claimants by the end of January. You should keep your UA branch office informed of your current address, so this important information can be mailed to you. If you disagree with the amount shown on Form 1099-G, contact the branch office for correction.

You may choose to have both **Michigan state and federal income taxes** withheld from your weekly unemployment benefits. If you choose to have income taxes withheld, both taxes will be withheld. You may **not** choose to have just one or the other withheld.

Deductions for **federal** income taxes are **15%** of the taxable portion of your weekly benefit payment (after pension and earnings reductions). Michigan state income tax is withheld at the rate in effect when the claim begins and is withheld after deductions for pensions, earnings, dependents, and exemptions. Deductions for **state** income tax are **4.2%** for benefit years beginning on or after 4/2/2000, **4.1%** for benefit years beginning on or after 1/6/2002, **4.0%** for benefit years that begin on or after 1/5/2003, and **3.9%** for benefit years that begin on or after 1/4/2004. The income tax deduction is taken out *after* other mandatory deductions: *overpayment recoupment, fraud penalties, and child support*.

Individuals filing new claims will indicate their tax withholding choice on Form UA 1554 WR, *Application for Unemployment Benefits*. If you are filing an additional claim at the branch office, you can indicate your choice on Form UA 1564 WR, *Additional Claim for Benefits*, or on Form UA 1581-1, *Income Tax Withholding Election*. If you are filing your additional claim by mail, you may indicate your choice on Form UA 1564-2 WR, *Additional Claim by Mail*.

You can choose to have taxes withheld only **once per benefit year** but you can *always stop* your withholding. To do this, you must complete a Form UA 1581-2, *Income Tax Election Change*.

All the above forms are available at branch offices. Form UA 1581-2 is also included in the MARVIN (claims-by-phone) forms packet (see “**When you file for unemployment benefits**,” above) as well as the claim-by-mail forms booklet (Form UA 1744). Form 1099-G will reflect the state and federal income tax withheld for the calendar year.

Please note that since unemployment benefits are taxable, some claimants may be required to file a return and make estimated tax payments if they choose not to have income taxes withheld. If you have any questions regarding IRS requirements, contact the IRS or a tax consultant.

Disclosure of information

The information that you provide to UA concerning your claim for unemployment benefits is confidential.

However, federal and state laws require that certain types of information must be provided upon request for statistical and Unemployment Insurance program purposes. For example, if you are handicapped as defined in Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1994 (i.e., have a physical or mental impairment which substantially limits one or more major life activities; a record of such impairment; or are regarded as having such impairment), then such information may be collected for statistical research purposes.

In addition, all employers must report the names, social security numbers and earnings of all their employees to the UA. This wage information will be provided to other governmental agencies to verify eligibility for Aid to Families with Dependent Children, Medicaid, Food Stamps, and other public assistance programs. Also, the UA may disclose, under certain circumstances, information on your claim to authorized federal and state agencies, or the Friend of the Court. Information concerning your benefit payments also is provided to the Michigan Department of Treasury and the Internal Revenue Service.

Child day care

The availability of quality, affordable childcare services is often a major concern of many claimants. If you are faced with a lack of adequate child day care facilities, a referral listing of local area nonprofit child day care networks is available at your county Family Independence Agency offices. For more information, call the listed facilities directly.

Have a problem with your claim for UI benefits?

Are you having a problem with your claim for unemployment benefits? Do you need some help understanding forms or procedures? If so, help is as near as your fingertips.

First, however, talk your situation over with branch office staff and supervision. If you still need assistance, the UA's Claimant Customer Relations HOTLINE is ready to help.

From anywhere in Michigan, you can speak with experienced problem solvers who have access to UA unemployment benefit claims records through the automated system. They will answer your questions, explain the process, and refer you to the specific department, unit, or branch office if he or she is unable to immediately resolve your problem(s).

The UA HOTLINE service is available between 8:30 a.m. until 4:30 p.m., Monday through Friday.

1-800-638-3995

(Available in Michigan only)



Unemployment Insurance

A Handbook for Claimants

